

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 18-20496

vs.

HON. GEORGE CARAM STEEH

PRICE ALBERT-JUNIOR THOMPSON,

Defendant.

/

ORDER GRANTING DEFENDANT'S MOTION FOR COURT TO
CONSIDER REPLY [DOC. 42], GRANTING MOTION TO AMEND
REPLY [DOC. 43] AND DENYING MOTION FOR RECONSIDERATION
OF ORDER DENYING CERTIFICATE OF APPEALABILITY [DOC. 41]

This matter is before the court on defendant Price Albert-Junior Thompson's motions for the court to consider his reply (doc. 42), to amend his reply (43) and for reconsideration of the order denying his certificate of appealability (doc. 41). The court denied defendant's motion to vacate sentence under 28 U.S.C. § 2255 due to ineffective assistance of counsel (doc. 29) by order dated June 26, 2020 (doc. 39). When the court issued its order it had not received defendant's reply brief. The court recognizes that the mail delivery has been less reliable due to the COVID-19 pandemic and GRANTS defendant's motion for the court to consider his reply brief. The court also accepts defendant's amended reply, which attaches the

“302” incident reports of his arrest and search of his house (doc. 43).

After considering the arguments made by defendant in his reply and the evidence in this case, the court still finds that a rational juror could have reasoned that the loaded firearms hidden behind the wall near the ceiling were strategically located for quick and easy use. Therefore, the government could have met its burden of showing a specific nexus between the firearms and the drug trafficking as required to be convicted of a § 924(c) “in furtherance” offense. Furthermore, the fact that the incident reports do not state defendant was conducting drug activity does not mean this was necessarily a case of mere possession of drugs. As described in the PSR, the quantity of drugs found supports a conclusion that they were for distribution and not personal use.

Finally, the court has considered defendant’s motion to reconsider its denial of a certificate of appealability. The court finds that defendant has failed to make a substantial showing of the denial of a constitutional right as required. 28 U.S.C. § 2253(c)(2). Defendant’s motion for reconsideration is denied.

IT IS HEREBY ORDERED that defendant’s motion to consider his reply is GRANTED.

IT IS HEREBY FURTHER ORDERED that defendant’s motion to

amend his reply is GRANTED.

IT IS HEREBY FURTHER ORDERED that defendant's motion to reconsider is DENIED.

Dated: August 11, 2020

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 11, 2020, by electronic and/or ordinary mail and also on Price Thompson, #56850-039, Milan Federal Detention Center, P. O. Box 1000, Milan, MI 48160.

s/Brianna Sauve
Deputy Clerk